

**TESTIMONY OF HANNIBAL BOLTON, CHIEF, DIVISION OF FISH AND WILDLIFE
MANAGEMENT AND HABITAT RESTORATION, FISHERIES AND HABITAT
CONSERVATION, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE
INTERIOR, BEFORE THE SENATE COMMITTEE ON INDIAN AFFAIRS,
REGARDING THE IMPACTS ON TRIBAL FISH AND WILDLIFE MANAGEMENT
PROGRAMS IN THE PACIFIC NORTHWEST**

June 4, 2003

Mr. Chairman and Members of the Committee, I am Hannibal Bolton, Chief, Division of Fish and Wildlife Management and Habitat Restoration, Fisheries and Habitat Conservation, U.S. Fish and Wildlife Service. I thank you for the opportunity to provide the testimony of the U.S. Fish and Wildlife Service regarding tribal fish and wildlife management programs in the Pacific Northwest. We greatly appreciate the Committee's interest in our Native American programs.

The U.S. Fish and Wildlife Service (Service) has a long history of working with Native American governments to manage fish and wildlife resources. In fact, in 1872, the McCloud Wintu Tribe, at the northern end of the Sacramento Valley, played a key role in establishing the Nation's first salmon hatchery, along the McCloud River in the Pacific Northwest. Since that time, the relationships between the Service and tribes have expanded through many of the programs outlined below, and with the help of our Native American liaison program.

In 1994, the Service developed and adopted its Native American Policy to help accomplish its mission and to concurrently participate in fulfilling the federal government's and the Department of the Interior's (Department) responsibilities to assist Native Americans in protecting, conserving, and utilizing their reserved, treaty guaranteed, or statutorily identified trust assets. Through this policy, the Service is committed to providing timely and adequate communication and cooperation to tribes, to providing fish and wildlife management expertise, training and assistance, and to respecting and utilizing the traditional knowledge, experience, and perspectives of Native Americans in managing fish and wildlife resources.

Indian tribes, states, and federal agencies share the responsibility to protect and enhance fish and wildlife. The federal government and its implementing agencies owe an affirmative duty to use their expertise and authority in meaningful consultation with tribes to safeguard natural resources that are of crucial importance to tribal self-government and prosperity.

The Service has pledged to respect, promote, and protect tribal self-government, self-determination, and the sovereignty of federally recognized tribes. Nearly all of our programs incorporate tribal involvement at some level.

The Service takes its responsibilities seriously and works closely with our Native American partners to

further the well-being of tribes and the long-term health of our shared natural resources.

Tribal Grants

The Service is eager to begin implementing two new tribal grant programs that will emphasize sustainability of fish and wildlife populations; habitat conservation; partnerships; and enhancing capacity.

- The Tribal Landowner Incentive Program will provide matching funds of up to 75 percent for projects carried out by federally recognized tribes that benefit at-risk species. \$4 million will be available under this program annually.
- Tribal Wildlife Grants will be awarded competitively to enhance wildlife and their habitats on tribal lands. This program will put nearly \$10 million on the ground this year, and \$5 million annually.

These programs will not only enhance conservation of fish and wildlife species and their habitat, but will also strengthen Service/Tribal relationships as we work together to address conservation concerns on and around tribal lands in the Pacific Region. Our Regional Native American Liaisons have been working closely with tribes and Service staff to ensure that information on these grants, and other programs, is made available and that the process for applying is clear and easily understood.

Conserving Sensitive Species and Migratory Birds

The Service and Indian tribes share a common goal of conserving sensitive species, including threatened and endangered species, migratory birds, and the ecosystems on which they depend. Tribal lands are managed by Indian tribes in accordance with tribal goals and objectives, within the framework of applicable laws. Historically, Indian reservation lands have not had the same opportunities to participate in federal assistance programs that states and private landowners have had. Consequently, many tribal lands have remained untouched by conventional land use practices and function as islands of high quality ecosystems, attracting many sensitive species and migratory birds.

Through government-to-government protocols, the Service strives to significantly include affected tribes in Endangered Species Act, dam licensing and relicensing provisions of the Federal Power Act, and Migratory Bird Treaty Act processes. The Service solicits tribal input on not only the species in question, but also relevant tribal cultural values; hunting, fishing, and gathering rights; treaty obligations; and potential impacts to tribal economies. The Service also has a collaborative process in place for establishing tribal migratory bird hunting seasons.

Caspian tern management is an example of tribal involvement in managing sensitive species and migratory birds. Tribes are represented on the Caspian Tern Working Group (CTWG), which was formed in 1998 to assist the U.S. Army Corps of Engineers in developing a plan to reduce smolt predation by Caspian terns nesting on Rice Island in the Columbia River. The CTWG has been meeting on a regular basis to address this and related issues and serves as a forum to discuss and plan

actions, and resolve interagency, state, and tribal concerns. Tribes are represented by the Columbia River Inter-Tribal Fish Commission.

Habitat

Through its Habitat Conservation Program, the Service investigates, evaluates, and makes recommendations on federal water resource development projects, primarily those constructed, funded, or licensed by the U.S. Army Corps of Engineers, Bureau of Reclamation, Natural Resources Conservation Service, and Federal Energy Regulatory Commission. The Service assists these agencies in the project planning process by providing fish and wildlife resource information, evaluating the anticipated impacts of alternatives on those resources, recommending a preferred alternative from a fish and wildlife perspective, and developing measures to mitigate (avoid, reduce and compensate for) project impacts and enhance fish and wildlife. As a recent example, we are working closely with the Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO) to develop prescriptions and recommendations for the proposed relicensing of the Pelton-Round Butte Hydroelectric Project. The Service will prescribe upstream and downstream fishways and has recommended measures to protect instream flows and restoration and improvement of aquatic and terrestrial habitats that will benefit tribal resources.

Our Partners for Fish and Wildlife Program places a high priority on working in partnership with tribes to restore fish and wildlife habitats. We implement restoration projects both on and off tribal lands in concert with various tribes in the Northwest. Projects include wetland, riparian, in stream, and grassland restoration. Many projects focus on removing fish barriers. We recently established a “Partners” Cooperative Agreement with the Kootenai Tribe of Indians in northern Idaho (Boundary County). The focus of the restoration activities will be on bull trout aquatic and riparian habitat. The Partners Program is also working actively with other Pacific Northwest Tribes.

Some other examples of habitat-based programs are the Fisheries Restoration and Irrigation Mitigation Act (FRIMA) program, which provides grant funding for fish screen and fish passage improvements to irrigation projects in Oregon, Washington, Idaho, and western Montana, and the Chehalis River Fisheries Restoration Program, which has provided funding to the Quinault and Chehalis Tribes to restore fish habitat and conduct spawner surveys in the Chehalis Basin.

Law Enforcement

Each year, the Service’s Law Enforcement program office and the Native American Fish and Wildlife Society sponsor a law enforcement training program. Since 1999, Service special agents have trained more than 450 Native American conservation officers to enforce wildlife laws. These conservation officers represent more than 120 tribes throughout the United States. Specialized instruction runs the gamut from developing tribal game and fish codes, to identifying waterfowl, to safely handling firearms.

We encourage the use of cooperative law enforcement as an integral component of Native American,

federal and state agreements relating to fish and wildlife resources. Service and Native American law enforcement agents work together in operations on or adjacent to tribal lands throughout the country. In addition, we assist tribal governments in the coordination of appropriate fish and wildlife law enforcement investigations that require the use of the federal court system. If requested, the Service also provides assistance as a liaison between tribal governments and the U.S. Department of the Interior's Solicitor's Office on fish and wildlife law enforcement matters.

National Wildlife Refuge System

The Pacific Region manages over 100 refuges located throughout Washington, Oregon, Idaho, Nevada, California, and the Pacific Islands. Over 2,800 archaeological sites have been recorded on these refuges. Recognizing that many of these sites are sacred to Native Americans, the Service works hard to collaboratively manage them with tribes.

The Service also seeks the involvement of tribal governments as we develop Comprehensive Conservation Plans (CCPs) for our refuges that are adjacent to tribal lands, or which contain cultural resources or trust species of interest to tribes. CCPs describe the desired future conditions of a refuge and provide long-range guidance and management direction to: achieve refuge purposes; help fulfill the National Wildlife Refuge System mission; maintain and, where appropriate, restore the ecological integrity of the refuge; help achieve the goals of the National Wilderness Preservation System; and meet other mandates.

Fisheries Resources

The Service works closely with tribal partners to further the well-being of the tribes and the long-term health of our shared fishery resources. For example, salmon from National Fish Hatcheries (NFHs) are provided to the tribes for subsistence and ceremonial use; Fish Health Centers provide advice and technical assistance to the tribes; and Fishery Resource Offices work closely with tribes to assess fish stocks and assure fair and equitable sharing of fish harvests, as well as provide assistance on many important habitat restoration efforts.

A specific example of the Service's assistance to tribes is our working relationship with the Columbia Basin Fish and Wildlife Authority (CBFWA). CBFWA was established as an association of state and federal fish and wildlife agencies and Indian tribes to serve as a forum for exchange of information and to assure comprehensive and effective planning and implementation of fish and wildlife programs in the Columbia River Basin in order to improve the quality of fish and wildlife decision-making and influence other regional decision-makers, consistent with requirements of applicable law. Through CBFWA, the Service works cooperatively with tribes on a variety of issues and to address concerns they may have. Examples include recent efforts to develop a Research, Monitoring and Evaluation protocol for salmonids in the Columbia Basin and establishing collaborative funding needs for fish and wildlife mitigation.

The Service, working with its tribal, state, and federal partners, is also engaged in sub-basin planning efforts to develop harvest, production, and habitat management goals, and strategies to achieve those goals, in order to rebuild Columbia River stocks important to tribal and non-tribal fisheries.

Similar working relationships are provided through the Northwest Indian Fisheries Commission and the Columbia River Intertribal Fish Commission. All of these organizations are to be commended for their important efforts and achievements.

Hatcheries

The Service implements or administers a number of hatchery mitigation programs including the Mitchell Act program, Lower Snake River Compensation Program (LSRCP), Bureau of Reclamation Grand Coulee Dam program, and Corps of Engineers Dworshak Dam and John Day Dam mitigation programs, that support tribal fisheries both on and off-reservation lands. LSRCP facilities consist of 26 production, acclimation, and trapping facilities, as well as several fish health and monitoring and evaluation offices in Washington, Oregon, and Idaho. The facilities are operated and evaluated by the fisheries agencies of Oregon, Washington, and Idaho, the Service, and the Nez Perce and Umatilla Tribes. The Service supports treaty fishing through the programs at Quilcene, Quinalt, and Makah NFHs. Quilcene NFH supports the Point no Point Tribes (particularly Skokomish and Port Gamble Tribes), and Quinalt and Makah NFHs support the Quinalt and Makah Tribes, respectively. Quinalt and Makah NFHs are located on reservations, and all hatchery production is coordinated closely with these tribes through cooperative agreements with the Service. Tribal members work at Service hatcheries in fish production, fish marking, and fish sampling.

The Warm Springs NFH provides a good example of Service and tribal support for the National Fish Hatchery program in the Pacific Northwest. In 1959, the CTWSRO requested that the Service investigate the possibilities of salmon and steelhead enhancement on the Reservation, and in 1963, the CTWSRO requested that the Service initiate hatchery feasibility studies on the Reservation. Construction of Warm Springs NFH was authorized by an Act of Congress on May 31, 1966 to stock the waters of the Warm Springs Reservation of Oregon. It was expected that the hatchery would produce about one million salmon and trout annually, providing economic benefits to the CTWSRO through the sale of fishing permits and related enterprises, as well as employment and training opportunities. The continuing goal of the CTWSRO and Service is to cooperatively manage Warm Springs NFH in a manner that will protect remaining wild fish populations and preserve their genetic integrity, maintain the existing physical characteristics of Warm Springs anadromous fish stocks and their production above the hatchery, and not impact fish populations below the hatchery while abiding by the goals and objectives of the Deschutes River Subbasin Salmon and Steelhead Plan and the Integrated Resource Management Plan I for Forested Areas of the Reservation.

It is also important to highlight that tribes are consulted on the management of National Fish Hatcheries. We work cooperatively with tribes and other partners to gather information for management decisions at National Fish Hatcheries to minimize the risk to wild and listed salmonid species. For example, the

Service has established a cooperative agreement with the CTWSRO and an interagency agreement with U.S. Geological Survey. With our partners we use state-of-the-art technology such as underwater videography and radio telemetry to evaluate hatchery-wild salmonid interactions in streams on tribal lands.

The Service also participates on the Pacific Northwest Fish Health Protection Committee which provides a forum for the development of research priorities, technical, diagnostic, prophylactic and therapeutic procedures, fish cultural practices, and practical fishery management policies to prevent the introduction and spread of diseased fish and pathogens, to minimize the impact of diseases that do occur, and to promote the production of healthy fish. Membership includes the Columbia River Inter-Tribal Fish Commission, the Northwest Indian Fisheries Commission, Alaska Department of Fish and Game, California Department of Fish and Game, Idaho Department of Fish and Game, Washington Department of Fish and Wildlife, Oregon Department of Fish and Wildlife, U.S. Fish and Wildlife Service, NOAA-Fisheries, the Montana Department of Fish Wildlife and Parks, and Clear Springs Foods, Inc. Several other entities participate as contributors and observers.

Finally, the Service provides funding and technical assistance to accomplish hatchery reform of tribal and non-tribal hatcheries in western Washington. The Hatchery Reform Project is a systematic, science-driven redesign of hatcheries to meet two goals: to help recover and conserve naturally spawning salmonid populations, and to support sustainable salmon fisheries through hatchery production without negative effects to wild salmon. The Service provides funding to the Northwest Indian Fisheries Commission and its member tribes in western Washington to improve hatchery practices and to make structural improvements at tribal hatcheries to meet the goals of hatchery reform.

Harvest

Tribes are considered co-managers of both listed and unlisted salmon resources. The Service works to ensure tribal harvest rights are upheld. For example, we work closely with tribes to implement fish management plans on the Columbia River in order to provide a management framework within which the parties to *U.S. v. Oregon* may exercise their sovereign powers in a coordinated and systematic manner in order to protect, rebuild, and enhance Columbia River fish runs above Bonneville Dam while providing harvests for both treaty Indian and non-Indian fisheries. The primary goals of the parties are to rebuild weak fish runs to full productivity and fairly share the harvest of upper river runs between treaty Indian and non-Indian fisheries in the ocean and Columbia River basin.

Another important example is the Service's work with the Northwest tribes in Pacific Salmon Commission fishery management activities to implement the U.S./Canada Pacific Salmon Treaty. The Treaty provides the United States and Canada with salmon harvests commensurate with each country's total salmon production, and also seeks to conserve the salmon resource of each country (to prevent over-fishing). The Service works with the affected tribes, other U.S. agencies, and Canada, on several technical committees that address international fishery management of salmon stocks in western

Washington, the Columbia River Basin, and the Oregon coast. Tribal involvement includes Puget Sound Tribes, the Northwest Indian Fisheries Commission, and the Columbia River Intertribal Fish Commission. In particular, the Service works with the tribes and other agencies on the Selective Fisheries Evaluation Committee, which evaluates impacts of mass marking hatchery production to provide selective harvest of hatchery salmon stocks. Tribal members serve on the evaluation teams to ensure their needs are being met.

Conclusion

Mr. Chairman, in closing, I would like to state that the Service is committed to providing timely and adequate communication and cooperation to tribes, to providing fish and wildlife management expertise, training and assistance, and to respecting and utilizing the traditional knowledge, experience, and perspectives of Native Americans in managing fish and wildlife resources. In order to accomplish this, we are committed to developing good working relationships and mutual partnerships with Native American governments.

Mr. Chairman, this concludes my remarks. I would be happy to answer any questions.